

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT CHRISTOPHER JIMENEZ,

No. C 06-3549 SI (pr)

Petitioner,

**ORDER DENYING CERTIFICATE
OF APPEALABILITY**

v.

D. SISTO, Warden,

Respondent.


Petitioner filed a notice of appeal, which the court construes to also request a certificate of appealability pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b). (Docket # 32.) The request for a certificate of appealability is DENIED because petitioner has not made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). That is, he has not demonstrated that "reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." Slack v. McDaniel, 529 U.S. 473, 484 (2000).

In his notice of appeal, petitioner requested an attorney for his appeal. In light of the denial of the petition and the denial of a certificate of appealability, this court will not appoint counsel to represent him on appeal.

The clerk shall forward to the court of appeals the case file with this order. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).

IT IS SO ORDERED.

DATED: September 24, 2009


SUSAN ILLSTON
United States District Judge